

REMARKS/ARGUMENTS

The Applicants' representative reviewed the Examiner's Office Communication of January 29, 2007, in which the Examiner asserts that the amendment filed on August 4, 2006 was non-responsive because the new claims are directed to an invention that is independent or distinct from the invention that had been constructively elected.

The Examiner states that the previously submitted claims 1-26 ("Invention I") are drawn to a shelf, classified in class 211, subclass 134, while the newly presented claims 27-44 ("Invention II") are drawn to a barbecue grill assembly, classified in class 126, subclass 41R. Citing MPEP §806.05(c), the Examiner claims that Inventions II and I are related as combination and subcombination, and that Invention II is distinct from Invention I because (A) Invention II does not require the particulars of Invention I as claimed for patentability (to show novelty and unobviousness), and (B) Invention I can be shown to have utility either by itself or in another materially different combination. Specifically, the Examiner notes that claims 27-30 do not require a quick release member having a detent, a spring member, nor a shelf having a bottom wall and sidewall, as required by the originally presented subcombination claims.

In response to the Office Communication, the Applicant hereby amends the independent claims 27-32 to includes the particular limitations noted by the Examiner (i.e., quick release member having a detent, a spring member, and a shelf having a bottom wall and sidewall). Specifically, claims 27, 28, 30, 31, and 32 are amended to include essentially every limitation which was present in claim 18 immediately prior to its cancellation and claim 29 is amended to

include essentially every limitation which was present in claim 10 immediately prior to its cancellation.

The Applicants believe that this amendment is now responsive to the Examiner's previous Office Action of April 22, 2005, and respectfully request examination of the currently submitted claims on the merits. As discussed in the Applicants' amendment of July 18, 2005, the claims presented herein clearly differentiate from the prior art cited by the examiner and focus on different aspects, some of which have been previously examined in copending Application No. 09/927,897, which issued as U.S. Patent No. 6,739,558. Therefore, the Applicants believe that the claims are sufficiently distinguished from the prior art and are in condition for allowance.

Applicant believes that no fees are due in connection with this amendment. In the event that fees are due, you are hereby authorized to deduct the required amount from our Deposit Account No. 02-0400 (Baker & McKenzie). *When identifying such a withdrawal, please use the Attorney Docket Number WEB-927-CIP.*

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Respectfully,

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